



***Comprehensive Everglades
Restoration Plan (CERP)
Partnership Agreements***

Project and Lands Committee Meeting – August 12, 2009



August Governing Board Agenda

Eight CERP-Related Agreements

■ Discussion Agenda

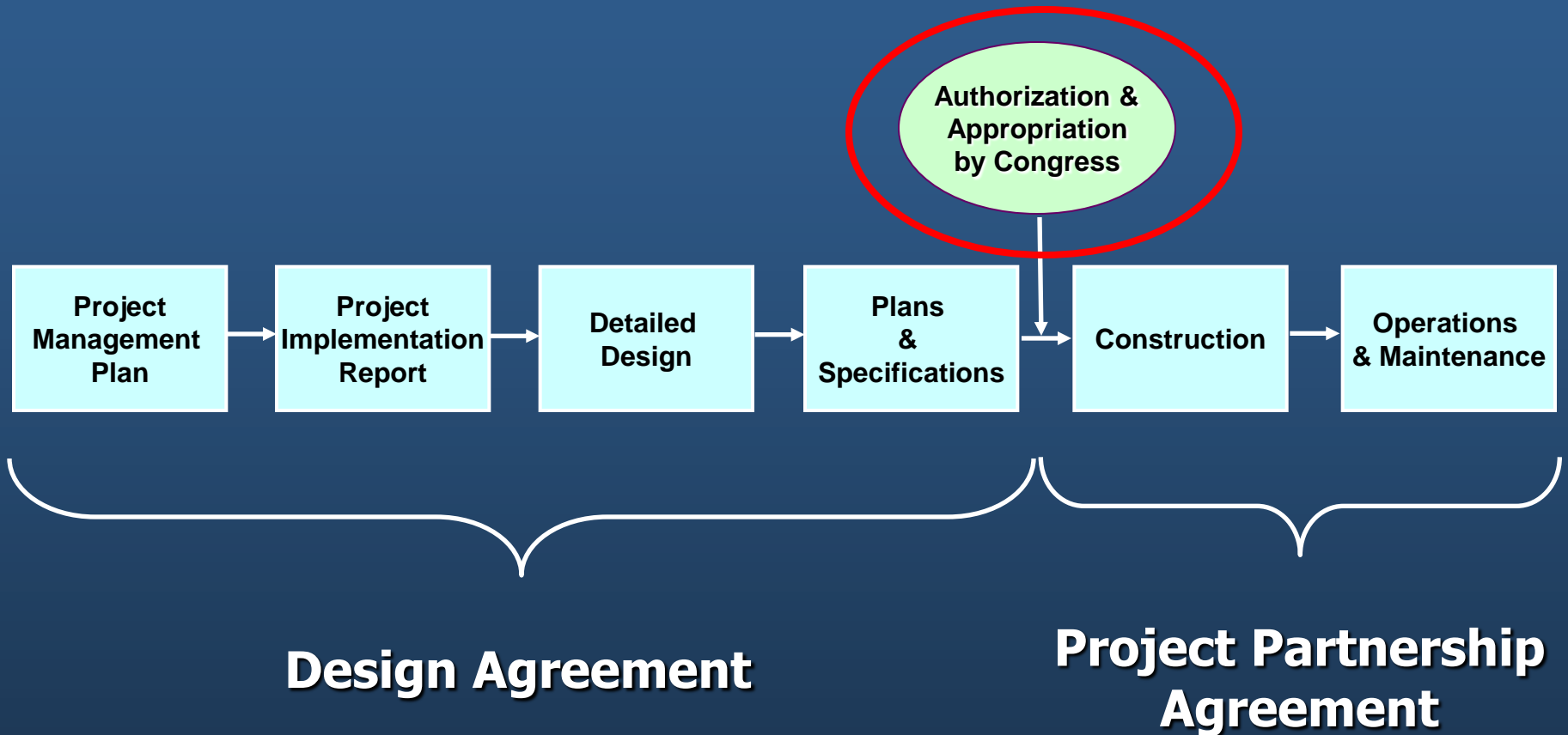
- Master Agreement for CERP**
- Amendment No. 2 to the CERP Design Agreement**
- Project Partnership Agreement for Picayune Strand Restoration Project**

■ Consent Agenda

- Five Pre-Partnership Credit Agreements**



CERP Cost-Share Agreements





CERP Master Agreement

(Agenda Item No. 39)



CERP Master Agreement

- Establishes uniform terms and conditions for future CERP Project Partnership Agreements
- Agreement covers:
 - Construction (including land acquisition and crediting)
 - Operations, maintenance, repair, replacement and rehabilitation
- Includes a Model Project Partnership Agreement



CERP Master Agreement

- Approved by Governing Board in June
- Corps Headquarters proposed changes in July
- SFWMD and Corps held extensive negotiations since the July Governing Board meeting
- Result is a significantly improved document that both parties strongly support
 - Improved clarity and consistency
 - New provisions that are favorable to the SFWMD
 - Several new supporting memos from the Assistant Secretary of the Army



CERP Master Agreement Non-Substantive Improvements

- **New whereas clauses to provide statutory references**
- **Numerous refinements to improve consistency and clarity**
- **Changes to clarify the process for monitoring and managing the 50-50 cost-share balance**
- **Re-organization, new instructional notes and new optional language added to the Model Project Partnership Agreement**



CERP Master Agreement

Substantive Changes

- **Management of 50-50 cost-share balance for design and construction costs**
- **Timing of land value determination for crediting purposes**
- **Construction of improvements for dredge disposal areas**
- **Project Quality Assurance Coordination Team**
- **Criteria for determining when a cash contribution is required**



Army Memos to Support CERP Master Agreement

- **Approval to use the national land valuation and crediting policy for CERP**
- **Approval to recommend that Congress authorize cost-share for clean-up of agricultural chemicals under certain circumstances**
- **Guidance for appraising the value of lands for CERP projects**
- **Commitment to work with SFWMD to jointly develop and approve guidance to streamline CERP processes**



***Amendment No. 2 to the
CERP Design Agreement
(Agenda Item No. 40)***



Amendment No. 2 to CERP Design Agreement

- **The criteria for determining when a cash contribution is required were modified to include total design costs plus the total of construction and land costs**
- **The provision for final accounting was modified to utilize the process outlined in CERP Master Agreement**

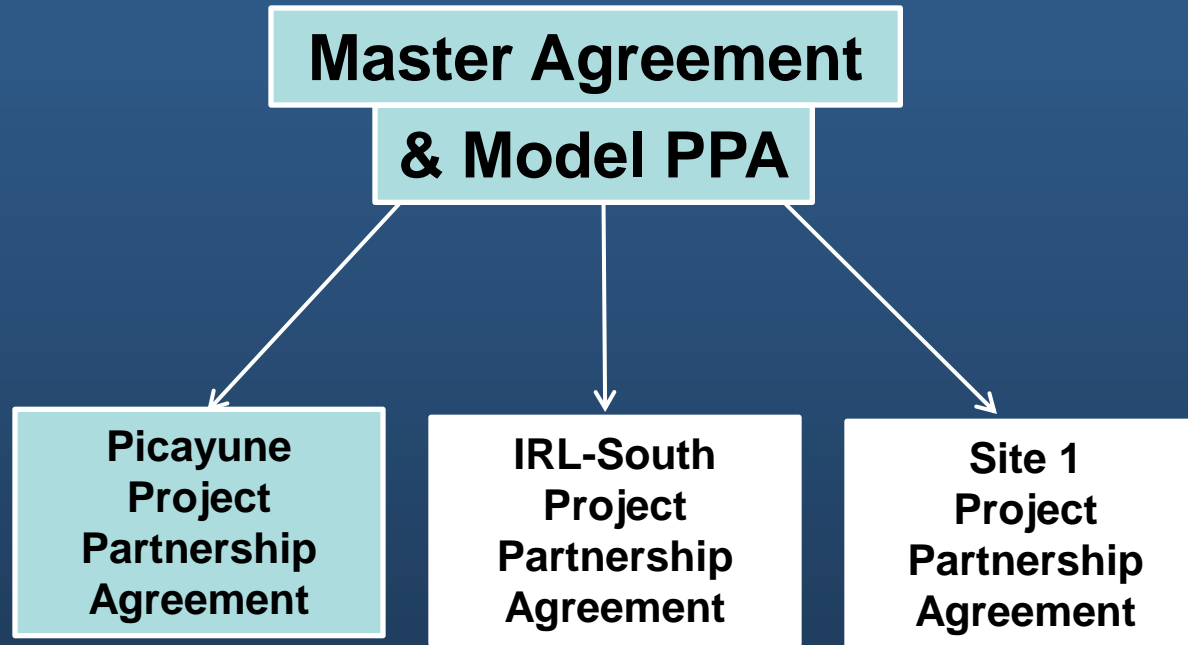


Project Partnership Agreement for Picayune Strand Restoration Project

(Agenda Item No. 41)



CERP Master Agreement





Project Partnership Agreement for the Picayune Strand Restoration Project

- **Agreement covers project-specific terms and conditions for:**
 - **Construction, including land acquisition, at an estimated cost of \$438 million**
 - **Operations, maintenance, repair, replacement and rehabilitation at an estimated cost of \$3.7 million per year once all phases are constructed**



Changes to Picayune Strand Project Partnership Agreement

- **Reorganized to comply with new Model Project Partnership Agreement**
- **Modified list of “In-Kind Work” previously completed, or to be completed, by the SFWMD**
- **Changed the language covering credit for incidental costs of land acquisition**

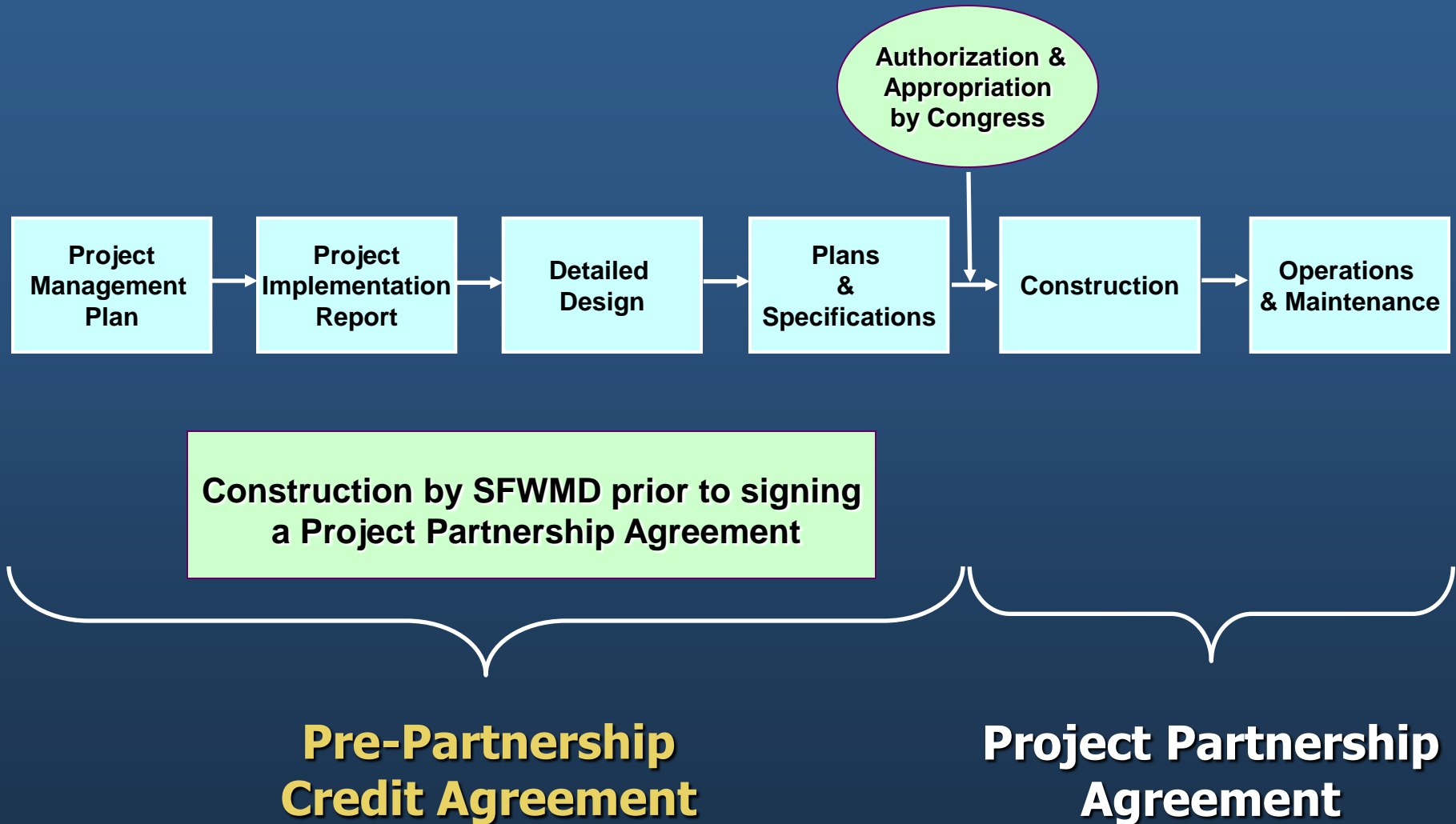


Pre-Partnership Credit Agreements

(Agenda Items 24 through 28)



Pre-Partnership Credit Agreement *Implements New WRDA-2007 Authority*





Pre-Partnership Credit Agreement

- Defines terms and conditions to maintain eligibility for credit; no actual credit is provided
- Actual credit will be provided under a future Project Partnership Agreement, if the Corps determines that:
 - SFWMD's constructed features are integral to the authorized Federal project
 - Costs are reasonable, necessary, allowable, allocable and auditable
 - Construction complies with Federal standards
 - Construction was performed in accordance with applicable State and Federal laws and regulations



Pre-Partnership Credit Agreements on the August Consent Agenda

- **Picayune Strand Restoration Project**
- **C-111 Spreader Canal Western Project**
- **Caloosahatchee River (C-43) West Basin
Storage Reservoir Project**
- **Biscayne Bay Coastal Wetlands Project**
- **Indian River Lagoon – South Project**



Key Contributors to the Development and Negotiation of Agreements

■ Negotiating Team:

- Carol Wehle
- Ken Ammon
- Abe Cooper
- Beth Lewis
- Tom Teets
- Paul Warner

■ Supporting Team:

- Ruth Clements – Land Acquisition
- Northon Jocelyn – Operations and Maintenance
- Greg Knecht – Florida Department of Environmental Protection
- Victor Lopez – Finance and Administration
- Mary Meier – Procurement
- Janet Starnes – CERP Project Manager
- Garrett Wallace – Federal and Tribal Affairs



Questions?